

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DAVID FOREMAN**

8200 Holly Lane  
Clinton, MD 20735

**Plaintiff,**

**v.**

**AMTRAK**

2955 Market Street  
30<sup>th</sup> Street Station  
Philadelphia, PA 19107 and  
1 Massachusetts Avenue NW  
Washington, DC 20001  
and

**NATIONAL RAILROAD PASSENGER  
CORPORATION**

1 Massachusetts Avenue NW  
Washington, DC 20001  
and

**THE NEW JERSEY TRANSIT CORPORATION**

One Penn Plaza East, Suite 1  
Newark, NJ 07103  
and

**SOUTHEASTERN PENNSYLVANIA  
TRANSPORTATION AUTHORITY  
("SEPTA")**

1234 Market Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19107  
And

**CITY OF PHILADELPHIA**

1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
and

**JOHN DOES I-III** (fictitious names)

and

**JOHN DOES IV-VI** (fictitious names)

**Defendants.**

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X

**Civil Action No.**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1349, 1441, and 1446, defendant National Railroad Passenger Corporation (“Amtrak”),<sup>1</sup> by and through its counsel, hereby removes to the United States District Court for the Eastern District of Pennsylvania the case captioned David Foreman v. Amtrak, et al., now pending in the Philadelphia Court of Common Pleas, No. 02190, February 2025 Term, and as grounds for removal states as follows:

1. Amtrak has been named as a defendant in the above-referenced action now pending in the Court of Common Pleas of Philadelphia County, February 2025 Term, No. 02190.
2. The above-referenced action was commenced by the filing of a Complaint on February 14, 2025. (See Complaint at Exhibit A).
3. Amtrak was served a copy of plaintiff’s Complaint on or about February 25, 2025. (See stamp on envelope to Complaint at Exhibit A).
4. This Notice of Removal is being filed within thirty (30) days of receipt of the Complaint by Amtrak, pursuant to 28 U.S.C. § 1446(b)(1).
5. The United States District Court for the Eastern District of Pennsylvania has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 because Amtrak was created by an Act of Congress, 49 U.S.C. § 24101 et seq., and more than half of its corporate stock is owned by the federal government. See 28 U.S.C. § 1349. As such, this case is removable to this Court pursuant to 28 U.S.C. § 1441(a).
6. Defendants who have been served with the Complaint consent to removal of this action to this Court.

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<sup>1</sup> “Amtrak” and “National Railroad Passenger Corporation” were named as separate defendants in the Complaint. They are the same entity.

7. Counsel for defendant City of Philadelphia has consented to removal to this Court pursuant to 28 U.S.C. § 1446(b)(2)(A). (See City of Philadelphia’s Consent to Removal at Exhibit B).
8. Southeastern Pennsylvania Transportation Authority has consented to removal to this Court pursuant to 28 U.S.C. § 1446(b)(2)(A). (See Southeastern Pennsylvania Transportation Authority’s Consent to Removal at Exhibit C).
9. The court docket from the state court action does not indicate that New Jersey Transit Corporation has been served with the Complaint.
10. Thus, upon information and belief, New Jersey Transit Corporation has not been served with the Complaint, and therefore its consent to removal is not required. (See 28 U.S.C. § 1446(b)(2)(A)).
11. Pursuant to 28 U.S.C. § 1446(a), copies of the pleadings sent to Amtrak are attached at Exhibit A.
12. Written notice of the filing of this Notice of Removal will be provided to plaintiff’s counsel, and a copy of this Notice of Removal and supporting papers will be filed with the clerk of the state court, as provided by 28 U.S.C. § 1446(d).

**WHEREFORE**, defendant Amtrak respectfully requests that the action described herein now pending in the Court of Common Pleas of Philadelphia County be removed to this Court.

LANDMAN CORSI BALLAINE & FORD P.C.  
Attorneys for Defendant National Railroad  
Passenger Corporation (“Amtrak”)

By: s/ Mark C. Derner  
Mark C. Derner, Esq.

Dated: March 3, 2025